

Remarks

The Applicant appreciates the Office's acknowledgement that Claim 40 is allowed and that claims 14-25 and 38 contain allowable subject matter.

Claims 1-9, 11-25, 38 and 40 are pending with the entry of this amendment.

Claims 14 and 38 have been rewritten into independent form.

Claim 1 has been amended incorporating the features of Claim 10.

Claims 10, 26-37, 39, 41 and 42 have been cancelled.

35 U.S.C. §102

The Office improperly rejected Claim 10 as being anticipated by Delache.

Claim 10 recites *inter alia*:

a manually adjustable control functionally connected to the processor;

wherein the manually adjustable control transmits operational signals to the blower to supplement signals transmitted to the blower by the processor.

The Office asserts that Delache meets this feature because "the gas flow generator includes a display 42 and controls 44 allowing an operator to monitor conditions and settings of the apparatus". The Applicant submits irrespective of whether the above implies a manually adjustable control, Delache in no manner discloses that the manual control transmits signals to the blower that **supplement** signals sent by the processor. Delache merely discloses the processor transmits signals to the blower. There is no teaching, explicit, implicit or inherent, of supplemental signals in addition to those sent by the processor in Delache. The rejection of Claim 10 is improper and must be withdrawn. The features of Claim 10 have been incorporated into Claim 1, and thus the rejection of Claim 1 and its dependent claims as being anticipated by Delache is improper and must be withdrawn.

35 U.S.C. §103

The Office's rejection of Claims 11, 12 and 13 as being unpatentable over Delache in view of Piorkowski is improper.

Claims 11, 12 and 13 depend from Claim 1. Delache is improperly relied upon by the Office to provide the feature of a manual adjustable control that transmits supplement signals to the blower as discussed above. The addition of Piorkowski does nothing to obviate the deficiencies of Delache. Therefore, absent a teaching of each and every feature, a prima facie case of obviousness cannot be made. Therefore the rejection is improper and must be withdrawn.

Conclusion

The Applicant has demonstrated that Delache fails to disclose the features relied upon by the Office. The addition of Piorkowski does not obviate those deficiencies. The Applicant submits that the application, including Claims 1-9, 11-25, 38 and 40 is in condition for allowance and an early indication of such is requested.

While an extension of time is not deemed necessary, the Office is requested and hereby authorized to charge the appropriate extension-of-time fees needed to maintain the application pending against Deposit Account No. 04-1679 to Duane Morris LLP.

If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

Respectfully submitted,

/Mark C. Comtois/

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